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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

CRIM. ACT. NO. 17-CR-00171-2

-vs-

JUDGE DRELL

GEORGE EARL WHITE

MAG. JUDGE PEREZ-MONTES

ORDER

Before the court is a filing by counsel for defendant, George Earl White, entitled “Notice to Court Re: Defendant George Earl White Declines to Waive His Speedy Trial Rights[.]” Doc. 65. Defendant White is one of four (4) defendants charged in an indictment with various drug-related offenses. Doc. 1. Co-defendants Derrick Anthony Felton (17-CR-00171-1) and Reginald Felton, Jr. (17-CR-00171-3) each filed speedy trial waivers in this case. Docs. 66, 67.

When the cases of co-defendants remain joined for trial purposes, excludable delays attributable to one co-defendant may fairly be attributable to all co-defendants. This is particularly true when the court makes a written finding that the interests of justice are served by the granting of a continuance in a particular matter. United States v. Stephens, 489 F.3d 647, 654 (5th Cir. 2007); United States v. Jones, 56 F.3d 581, 583 n.4 (5th Cir. 1995) *citing United States v. Bermea*, 30 F.3d 1539, 1567 (5th Cir. 1994), *cert. denied*.

Moreover, defendant White demonstrates no prejudice that now exists or may result in the future due to the continuance of this trial. United States v. Franklin, 148 F.3d 451, 457 (5th Cir. 1998). Construing this filing as a motion to sever, such motion is hereby DENIED. White made his initial appearance on July 12, 2017; less than two months ago. Under Barker v. Wingo, 407 U.S. 514 (1972), this delay is insufficient to prompt a presumption of prejudice. While it would

appear that White is being diligent in pursuing his speedy trial rights, against the advice of his attorney, he fails to show how any delay will prejudice his case and, therefore, has not overcome the preference in favor of joint trials when the government indicted defendants together. Zafiro v. United States, 506 U.S. 534, 537 (1993).

THUS DONE AND SIGNED at Alexandria, Louisiana this 5 day of September, 2017.


**DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT**